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THE

# INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

APRIL 1978

VOL. I NO. 5

PLEASE RETURN

## SPECIAL NOTICE

PLEASE  
COMPLETE AND  
MAIL THE  
ENCLOSED  
CARD RIGHT  
AWAY

A self-stamped self-addressed post card is enclosed with copies of this newsletter mailed to legislators. Please check the appropriate space to indicate whether you believe this newsletter should be continued. You will recall that the Legislative Council voted to provide a six month test period to determine whether a newsletter of this type would be useful to keep you informed about the full range of interim legislative activity. We will rely on your prompt response to learn the results of this test. The Council will review the results and make a decision at its April 24 meeting. We will announce the results right here next month.

STATE DOCUMENTS COLLECTION

## LEGISLATIVE COUNCIL

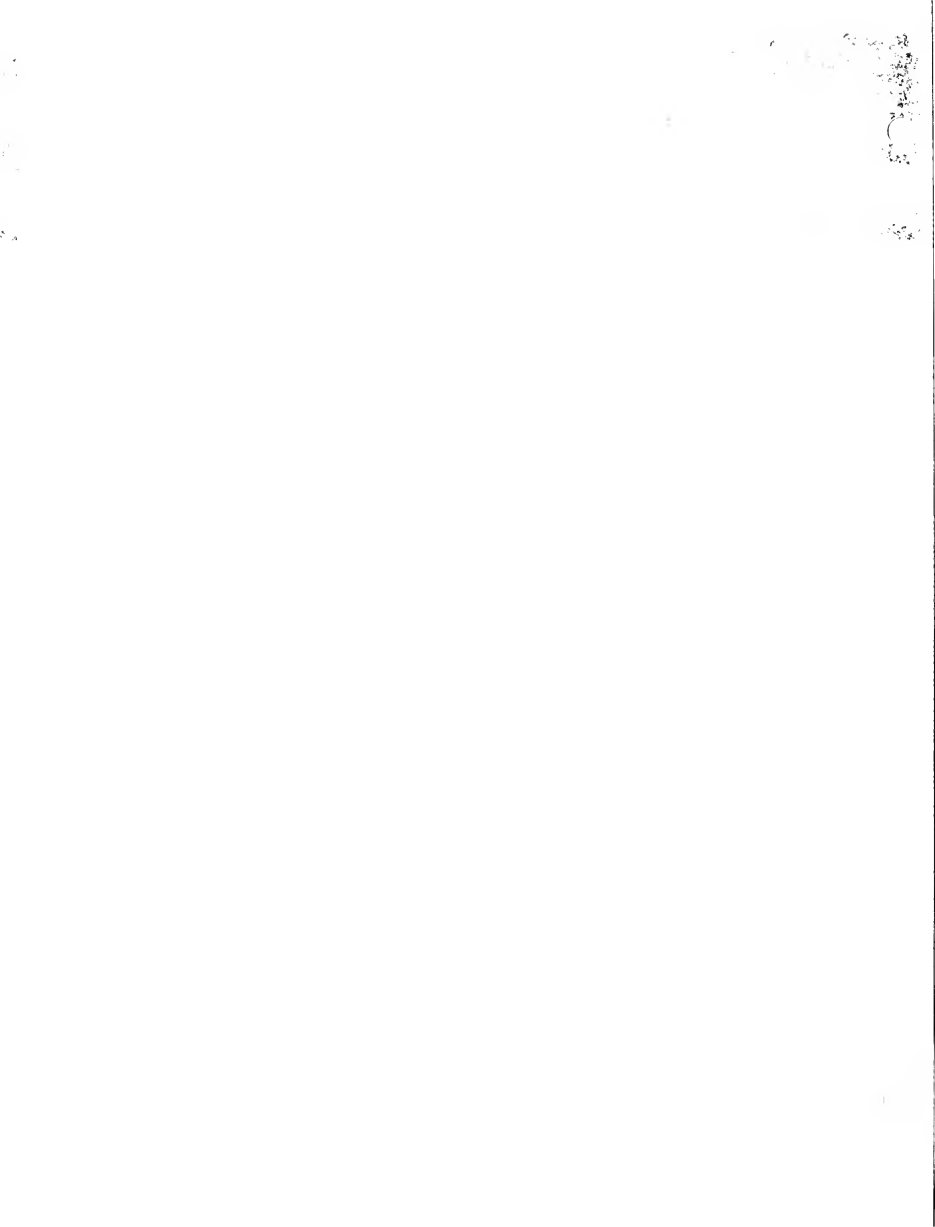
LEGISLATIVE  
COUNCIL  
MEETING

The next meeting of the Legislative Council is scheduled for April 24, 9 a.m. Terry Walker, the new Executive Director, is on the job -- please stop in and meet him when you're in town.

## INTERIM COMMITTEES

WATER RIGHTS

The Subcommittee on Water Rights will meet April 14 and 15 to discuss state agency recommendations for facilitating the determination of existing rights, the relationship between Indian and non-Indian water rights systems, the results of the series of hearings held around the state in



January and February and other matters. This will be the final study session before the committee begins to formulate a recommendation to be made to the next session.

HUMAN  
SERVICES  
MEETING  
MARCH 10

At its March 10 meeting the Interim Committee on Human Services decided to reject the earlier committee discussion draft proposal. The committee instructed the staff to prepare legislation for: 1) the creation of a permanent human service oversight committee; 2) the abolishment of the Department of Institutions and division of its functions between the Department of Health and Department of Soc; 3) the development and implementation of a plan by human service agencies for: a) one stop service centers; b) multi-purpose case workers and teams; c) colocation of agencies; and d) information and referral systems; 4) the development and implementation of a plan by human services agencies: a) to transfer greater control and authority over human service delivery to the county government level; and b) make human services accountable. The staff was also instructed to review the placement of Boulder River School and Hospital, castmont and the developmentally disabled program in one department and to research the possibility of increasing the role of the private sector. The legislation and research will be reviewed at a meeting on May 2.

NEXT  
MEETING  
MAY 5

STATE LEGAL  
SERVICES  
AND  
ELECTION  
LAWS

The Subcommittee on State Legal Services and Election Laws has scheduled a meeting for Saturday, April 29. The committee will review draft legislation designed to increase accountability and efficiency in the use of lawyers by the state. The committee will also review a first draft of a revised election code that has been prepared by a three member subcommittee in consultation with local and state election administrators and other interested persons. The election law drafting group will meet for the third time on April 28 to complete its recommendation before the meeting of the entire group.

LOCAL  
GOVERNMENT  
LAW  
REVISION

The Subcommittee on Local Government Laws met March 18 and directed staff to begin drafting a series of bills designed to implement the provisions embodied in no. 122 and stand independently or one another. To the extent possible, these bills are to be drafted as amendments to existing law rather than as

broad scale rewriting with corresponding repeal of existing statutes. The committee will meet April 14 to review the first of the drafts.

EDUCATION  
AND CULTURAL  
HERITAGE

The Interim Subcommittee on Education met in Helena, March 31, 1978. The subcommittee discussed three vocational education governance models and heard public testimony on the models. The subcommittee directed the staff to expand model three which would place post-secondary vocational-technical centers under the board of regents and to draft legislation in which the vocational-technical centers would parallel the community college system. The subcommittee also received a status report on community college governance and on the Historic Records Study (HJR 18). The staff was directed to prepare draft legislation regarding the allocation and regulation of state office space in state buildings. The next subcommittee meeting will be in Helena in early July.

LEGISLATIVE  
IMPROVEMENT

The Committee on Legislative Improvement met on March 31 and adopted a simplified format for conference committee reports. Suggestions about the business manager function and staffing of standing committees will be forwarded to the appropriate legislative committees. The final report will be reviewed at an April 25 meeting for 10 a.m. at the capitol.

CAPITOL BUILDING AND PLANNING COMMITTEE

MEETING  
APRIL 24

The Capitol Building and Planning Committee will meet Monday, April 24, in the Architecture and Engineering Division meeting room to discuss developments in updating the capitol master plan. The committee will also discuss clarifications needed in its authorizing statute, means for obtaining additional space for the legislative branch, and other related matters.

## ADMINISTRATIVE CODE COMMITTEE

ADMINISTRATIVE CODE MEETING MARCH 31	The Administrative Code Committee met on March 31, 1970. Roger Tippy discussed reducing the administrative register to microfiche for ease of storage. A compromise proposal on the wine license rule of the Department of Revenue was reviewed.
WINE LICENSE	
LIFE INS. FOR SOLICITATION & REPLACEMENT	Rules of the State Auditor Insurance Division concerning life insurance solicitation and replacement standards were discussed at length. The affirmative action required of the insurance business by the proposed rules was questioned as being beyond the authority conferred by the unfair trade practices statutes. Threats of federal preemption if the rules are not adopted was given as one reason for adoption.
NURSING HOME STANDARDS	Rules setting standards of conduct for nursing home administrators were criticized as being overbroad and vague.
HOLIDAY PAY	Paying state employees 2 1/2 times hourly rate for hours worked on a holiday when no time off is given during pay period was defended by the Department of Administration as being equal pay for equal work, and in addition union contracts now require it.
GAME FARMS	Subsection 11 of the Department of Fish and Game rules for game farms, which limits game farm size to that of shooting preserves, was singled out as not being within the scope of rulemaking authority conferred upon the department.
HEARING AID DISPENSERS	The board of Hearing Aid Dispensers qualifications for test applicants were criticized for adding to the qualifications set by statute.
MINE RECLAMATION	Mine reclamation rules of the Department of State Lands came under fire, both for being adopted as emergency rules without meeting the statutory criteria and for permitting alternative postmining uses. Leo Berry, department director, defended the rules, saying they do not alter the present status of postmining reclamation. The rules are being adopted as emergency rules to stave off federal preemption. Official action by the committee will be taken at its next meeting.

after further study.

#### REVENUE OVERSIGHT COMMITTEE

MEETING HELD  
MARCH 11

The Revenue Oversight Committee met March 11 in Helena to continue its study of taxes on various property in the state: timber, metal mines, severed mineral rights, and financial institutions. The committee received a report on the Department of Revenue's current litigation and discussed the new child support programs initiated as a result of the committee's efforts. Committee members reported citizen's complaints and problems with tax laws and requested the department to gather further information on several of these.

NEXT MEETING  
MAY 11

The committee will meet again on May 11 at 9:30 a.m. in room 415, State Capitol, Helena: 1) to consider bills designed to aid surface owners secure severed mineral rights and a bill to change the method of taxing timberland; 2) to receive additional research on motor vehicle taxation and the taxation of financial institutions; and 3) to consider the possibility of indexing the state income tax.

#### ENVIRONMENTAL QUALITY COUNCIL

EQC HOSTS  
NORTHERN TIER  
MEETINGS

The Bureau of Land Management has initiated an Environmental Impact Statement regarding a buried 42-inch crude oil pipeline. The pipeline will transverse Montana from west to east delivering crude oil from Port Angeles, Washington to Clearbrook, Minnesota. The pipeline will be built by Northern Tier Pipeline Company pending a decision on the EIS. Northern Tier has met with state agencies and the public to develop a list of criteria which the company should address in the ensuing EIS. EQC hosted two meetings, one with local public interest groups and one with the Northern Tier representative. Environmental "roadblocks" and how to resolve these problems were discussed.

The Board of Health held a hearing for the



EQC MONITORS  
WATER QUALITY  
STANDARD  
REVISIONS

revision of the department's water quality standards. Eight of fourteen witnesses stated they wanted an EIS or other document prepared which will explain to them in layman's terms how the revision will affect each industry. The board will not address this issue again until their July meeting. The department, in the meantime, will attempt to determine exactly what everyone wants and prepare a suitable document.

COLSTRIP AIR  
QUALITY  
DISCUSSED

The Board of Health held a hearing on the petition from Northern Plains Resource Council concerning Colstrip Units 3 and 4. Witnesses were presented on behalf of NPRC who left some doubt as to whether everything that could be done to prevent further deterioration of air quality was in fact incorporated into the plant and surrounding area design. It was noted that reclamation was not proceeding as expected and some dirt and dust could be added to the problem. The board will not make a decision until the appeal to the Supreme Court is heard.

LEGISLATIVE AUDIT COMMITTEE

MEETING  
MARCH 27

The Legislative Audit Committee met March 27, 1976, at the State Capitol.

REPORT ISSUED

The Legislative Audit Committee received, reviewed, and filed the following financial/compliance audit report: Department of Social and Rehabilitation Services, Report on Review of the Operations of the Rehabilitative Services Division and the Visual Services Division.

OVER-  
EXPENDITURES

Attorney General, Mike Greely, via a letter to the committee, reported that overexpenditures by state agencies are punishable as misdemeanors and place personal liability in the approving authority as well as providing a forfeiture of office. In the future the provisions of law concerning overexpenditures will be strictly enforced by his office.

Representatives of the Supreme Court attended the committee meeting and stated that they do not intend to overexpend and their appropriation in the future will be that there was no apparent need to have controls in the past.

## SUNSET

The first sunset audit report, which discussed the board of Abstracters, was presented to the committee. Later, at a public hearing, the committee will hear testimony from individuals, groups, or organizations who desire to offer their views or comments concerning the board of Abstracters.

The Legislative Audit Committee will establish rules to govern the hearing process. The proposed rules are available from the Office of the Legislative Auditor.

## REPORTS AVAILABLE

From the Office of the Legislative Auditor, Room 135, State Capitol, Helena, Montana. Telephone (406) 449-3122.

## LEGISLATIVE CONSUMER COMMITTEE

## MEETING SCHEDULED APRIL 21

The Legislative Consumer Committee did not have a meeting in March. A meeting is tentatively planned for Friday, April 21, in Great Falls. This meeting will provide local grain shippers an opportunity to meet with the committee, and representatives of our Congressional delegation, the I.C.C. and Burlington Northern to discuss possible long-term solutions to the recurring grain car shortage problem. Other agenda items that may be included for the meeting are the State Rail Plan, proposed railroad line abandonments, the status of the Federal Energy Act, the merits of litigating a number of major cases, and the merits of hiring expert witnesses in pending utility requests for increased rates.

## LEGISLATIVE FINANCE COMMITTEE

## ASSOCIATE ANALYST RESIGNS

Tom Briggs, an associate analyst in the fiscal analysts' office for nearly three years, has resigned to accept the controller's positions at Western Montana College.

## VOCATIONAL EDUCATION

During the committee's March 10 meeting, the staff presented a report on funding the five post secondary vocational education centers.

	The report, written by senior analyst Judy Rippingale, concluded that present financial difficulties were caused primarily by salaries and employee benefits at the centers exceeding state guidelines. The report concluded that the financial problems were one aspect of a confused governance structure.
BLUE COLLAR PLAN	The staff presented a report on the cost of the blue collar pay plan. The report's conclusion is that the plan exceeded the amount allowed by the legislature by approximately \$280,000 over the biennium.
BUDGET AMENDMENTS	An updated calculation of budget amendments was presented to the committee. As of February 24, \$9.7 million and 392 full-time employees have been added above legislative appropriations.
UNIVERSITY SYSTEM AMENDMENTS	The committee reviewed a staff report which looked at budget amendments from the university system. The staff questioned two amendments in particular which did not conform to the mandate of the appropriations act. The committee asked Chairman Mathers to send a letter to Regent Chairman James expressing the committee's concern and asking the regents to reconsider their action.
FACULTY & STAFF REDUCTIONS U OF M	In concluding several hearings with University of Montana officials and students, the committee heard a staff report which reconciled staff reductions at the university with actions taken by the legislature.
REPORTS AVAILABLE	If you would like a copy of any staff report or the committee minutes write Office of Legislative Fiscal Analyst, State Capitol, Helena, Mt., or call 449-2986.





